

# **BOARD OF DESIGN REVIEW MINUTES**

**March 14, 2002**

**CALL TO ORDER:** Chairman Stewart Straus called the meeting to order at 6:39 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

**ROLL CALL:** Present were Chairman Stewart Straus; Board Members Cecilia Antonio, Monty Edberg, Ronald Nardoza and Jennifer Shipley. Board Members Hal Beighley and Mimi Doukas were excused.

Associate Planner Scott Whyte, Senior Planner John Osterberg, Development Services Manager Steven Sparks, Community Development Director Joe Grillo, Project Engineer Jim Duggan, Transportation Engineer Don Gustafson, Assistant City Attorney Ted Naemura, City Attorney Mark Pilliod and Recording Secretary Sandra Pearson represented staff.

## **VISITORS:**

Chairman Straus read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

## **STAFF COMMUNICATION:**

On question, staff indicated that there were no communications at this time.

## **OLD BUSINESS:**

### **CONTINUANCES:**

Chairman Straus opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

**A. BDR 2001-0198 – BEAVERTON SCHOOL DISTRICT PROPOSED TRANSPORTATION AND SUPPORT CENTER**

(continued from February 14, 2002)

This application for design review has been submitted for the development of a transportation and support center for storing and maintaining Beaverton School District buses. The Beaverton School District plans to store and maintain approximately 130 large buses and 70 small buses in a new parking lot to be located north of the existing building on-site, with the addition of approximately 185 new parking spaces for employees and visitors west of the existing building. The existing building would remain on-site, but would be remodeled to create maintenance bays for buses and administration offices for staff. The development site is generally located south of NW Twin Oaks Drive, east of NW 167<sup>th</sup> Place and north of Willow Creek, and is more specifically identified as Tax Lots 200, 300, 400 and 900 on Washington County Assessor's Map 1N1-31AD. The site is approximately 13.84 acres in size and is within the Light Industrial (LI) zone, where transit storage and auto service, both major and minor, within enclosed buildings, are permitted outright.

Observing that he would like to review some of the ground rules prior to beginning the Public Hearing, Chairman Straus pointed out that the discussion would be limited to only the design issues of the proposed development. He pointed out that this decision-making body would not make any determination with regard to the use of the property, adding that it has already been determined that the use is consistent with the requirements of the Development Code, specifically with regard to the designated Light Industrial (LI) zone. He clarified that a decision regarding the proposed design issues would be based upon the criteria defined in Development Code Section 40.10.15.3.C, noting that these criteria are also listed within the staff report and form the basis of the staff evaluation of the proposed development. He emphasized that any testimony that does not specifically address this criteria would not be considered when making a decision.

Chairman Straus mentioned that a large number of individuals intend to testify with regard to this proposal, noting that he intends to adhere to several guidelines during this meeting, as follows:

1. The applicant team will be allowed 20 minutes for the initial presentation, followed by questions from the Board and responses by the applicant, with no time constraints;
2. All other speakers will be permitted five minutes for their initial presentations. If several individuals wish to provide a group presentation, their minutes can be combined. For timing purposes, questions from the Board will occur when these individuals have completed their initial presentations;

3. Rebuttal from the applicant is not subject to any time limitations;
4. It is not necessary to provide verbal testimony in addition to written correspondence submitted to the City of Beaverton unless there are further comments that are not included in the written document. Verbal testimony is not required in order for written testimony to be included as a part of the public record;
5. Any individual wishing to reiterate other comments that are made may simply state that they agree with the testimony of certain individuals;
6. Testimony addressing issues that are not relevant to the jurisdiction of this specific hearing will be interrupted, and the Chairman will request that testimony be limited to relevant criteria. Irrelevant testimony received from any individual will be considered out of order, and the Chairman will call upon the next speaker.

Chairman Straus reiterated the importance of focusing upon the applicable approval criteria.

Development Services Manager Steven Sparks introduced himself and Associate Planner Scott Whyte, who is responsible for this particular project. Observing that the City of Beaverton has received a great amount of correspondence with regard to this proposal, he mentioned that this information has been included within the Staff Report. Noting that this correspondence addresses a variety of issues, he pointed out that staff had determined that while several other issues had been mentioned, the bulk of this correspondence could be summarized into five major categories, as follows:

First, *the use of the property*, which Mr. Sparks explained is consistent and an outright permitted use in the LI zoning district. He further explained that this hearing addresses only design issues related to this use and this limited land use review is limited to the City's applicable development standards. He noted that \because this particular project is consistent with the Development Code as a use permitted outright, the project is consistent with the Comprehensive Plan. He emphasized that the policy addressing this application has been set, adding that this review would not include a policy discussion;

Noting that this Public Hearing would not involve a discussion on policy, Mr. Sparks emphasized that the zoning policies have been established throughout all areas of the City of Beaverton. He mentioned that the other four major subjects to be considered include the following:

2. *Air Quality*;
3. *Noise*;
4. *Odor*; and
5. *Traffic*.

Observing that Mr. Whyte would provide greater detail with regard to these four specific topics, he briefly discussed these topics, observing that with testimony that has been received thus far with regard to this proposal addresses hazardous conditions that would result from this particular use. He explained that it is necessary to focus on how the design could mitigate hazardous conditions. Although the Development Code addresses odor, unfortunately this particular Code section is ambiguous with regard to this issue, adding that this section merely states, "readily detected odor is prohibited". He mentioned that where there is this ambiguity within the Development Code, the Planning Director is provided with the authority to interpret the Code. He explained that in order to evaluate this project for processing through the Facilities Review Committee, the Planning Director had made an interpretation of the Code to determine what is "readily detectible". Referring to a Memorandum from Community Development Director Joe Grillo to himself, he observed that copies of this document have been provided to all members of the Board of Design Review as well as members of the public. He briefly summarized what the Planning Director had determined to be "readily detectible", emphasizing that "readily" involves an odor that is distinguishable from other sources and "detectible" involves an odor that is measurable, or quantifiable. He noted that the Facilities Review Report identifies odors as four different chemical compounds, measurable in an amount which he referred to as "parts per million".

Associate Planner Scott Whyte presented the Staff Report dated March 7, 2002, observing that this document provides a general description of this proposal, including an analysis and findings in response to the applicable approval criteria for design review. He pointed out that the Staff Report also includes recommended Conditions of Approval and a recommendation for approval. He described several exhibits that are attached to the Staff Report and referenced therein, and provided a general overview of these exhibits, as follows: *Exhibit No. 1.* The Facilities Review Conditions of Approval, dated February 27, 2002, and attached to the Staff Report; *Exhibit No. 2.* The applicant's plan package, containing the plan set and a number of documents and studies with regard to noise and air quality and an environmental analysis; *Exhibit Nos. 3 through 6.* All map attachments, including the Zoning Map, the Comprehensive Plan Map, a section from the Local Wetlands Inventory Map and a section from the Local Tree Inventory Map; *Exhibit Nos. 7 through 11.* Letters and materials submitted in response to this request, most in opposition. Examples of the form letters included in Exhibit Nos. 7 and 8 are attached to the Staff Report, and lists of all of the individuals who submitted these form letters are also provided; and *Exhibit Nos. 9, 10 and 11.* Individual letters and materials that were submitted either prior to the time the application was deemed complete, after the application was deemed complete, and following the Facilities Review Meeting.

Mr. Whyte mentioned that other exhibits would be introduced into the record throughout the evening, adding that additional information has been received from the *Harper Houf Righellis, Inc.*, the applicant's representative; *DKS*

*Associates*, the traffic consultant; and several communications from Washington County and the Department of Environmental Quality (DEQ). Observing that a representative of DEQ had intended to attend this hearing, he stated that unfortunately, this individual is now unavailable. Noting that this is a request for design review, he explained that it is appropriate for staff to discuss some of the design elements of the proposed project. Pointing out that this proposal would involve a complete interior remodel of an existing industrial building, he mentioned that there would be little exterior remodeling to this structure, adding that the building had been formerly occupied by *Yamamoto*. He mentioned that the minor revisions to the outside of the building would involve some new bay doors and employee doors. He pointed out that a small new building has been proposed, adding that this building would be located in the mid-portion of the site where bus storage is proposed. He explained that this structure would be comprised of galvanized steel, painted red and gray, adding that a sample of these colors has been provided for review by the Board members.

Referring to site development, Mr. Whyte noted that the portion of the site located north of the industrial building would be designed to store and maintain approximately 200 school buses. He mentioned that approximately 185 new parking spaces are proposed for the utilization of visitors and employees, to be located west of the industrial building, emphasizing that buses would not be stored within this area.

Mr. Whyte explained that the applicant's development plan also includes both a lighting plan and a landscape plan, observing that the landscaping would be located mostly around the site perimeter where a chain link fence is also proposed. He noted that the both the bus storage yard and the parking area are both proposed to be illuminated, adding that the plan indicates that the poles would be 33 feet in height.

Pointing out that the applicant meets the applicable site development requirements and standards, Mr. Whyte referred to the Industrial Performance Standards of the Development Code, found in Section 20.15.80.2, observing that the emission of odorous gases or matter to be readily detectable at any point beyond the property line is prohibited. Referring to the Facilities Review document, specifically reference to Table 4 of the applicant's Revised Air Quality Study, observing that this document provides some specific odor thresholds. He pointed out that diesel smoke contains certain components that have odor that are detectable in certain quantities, adding that these quantities are indicated within this odor threshold table. He mentioned that one of these chemical components, specifically nitrogen dioxide, had been utilized in the applicant's selected method of modeling to determine the potential odor impacts, adding that the analysis had concluded that odors from diesel smoke are not expected to be readily detectable at the property line of this project. He noted that while the Facilities Review Committee has also accepted the applicant's odor analysis and resulting conclusions, they expressed

concerned with the use of only one chemical component for the purposes of analysis.

Referring to page 12 of the Facilities Review Committee document, Mr. Whyte noted that the Committee has proposed a Condition of Approval requiring the monitoring of odors to the thresholds as described in Table 4 of the applicant's Revised Air Quality Study. Mr. Whyte then recited Section 20.15.80.4. He explained that this is the connection that is made to the monitoring condition (Condition A-5 of Facilities Review), adding that this is a rather unusual condition with several different components.

He mentioned that pages 22 and 23 of the Staff Report provide certain Conditions of Approval, one of which would adopt the Facilities Review Conditions of Approval (Condition of Approval No. 11). Referring to Condition of Approval No. 18, he noted that this would require the applicant to apply vertical vinyl slats to all portions of the chain link fence where shown on their site plan, as well as plant Glossy Abelia in place of the Moyer Red Shrub, as proposed on the plan. Concluding, he offered to respond to any questions.

Chairman Straus referred to the odor issue, observing that the applicant has submitted an additional letter that addresses the method by which the Facilities Review Condition of Approval provides for the testing. He pointed out that the Board of Design Review is not in a position to contradict the Conditions of Approval of the Facilities Review Committee. He requested clarification of how the Board should address a reasonable request of the applicant for an alternative to this method.

Emphasizing that the Development Code is fairly specific with regard to this issue, Mr. Sparks advised Chairman Straus that if the Board of Design Review wishes to make such a revision, it is necessary to return to the Facilities Review Committee for a report. He explained that the Committee would review the information and submit a recommendation to the Board, emphasizing that in the absence of a continuance or a waiver of the 120-day rule, adequate time to accommodate such an action is not available.

Chairman Straus questioned whether the applicant would have an opportunity to negotiate with the Facilities Review Committee at some future point with regard to this issue if this application is approved at this time. He suggested that other methods of testing might be available, adding that he would like to determine whether other methods could be proposed or addressed at a later date, rather than this evening.

Mr. Sparks informed Chairman Straus that any possibility of addressing these testing methods at a later time is dependent upon whether the suggestion of the applicant is substantially identical to what has been proposed, adding that this would provide for some latitude. He further explained that without the

opportunity to review the applicant's suggestion, he is unable to make an informed decision as to whether this could be addressed on an administrative level. He pointed out that without filing an appeal or a resubmittal of an application, it could be possible to have such a Condition of Approval be included in this approval, specifically that any change to a Condition of Approval would be required to come before this Board through a Type 3 hearing process. He noted that if this proposal is approved this evening, the applicant or any other party would have the opportunity to appeal that decision, adding that by virtue of such an appeal, it would become a de novo application, adding that the Facilities Review Committee could then review that material and forward a recommendation to the Appellate Review Board, which would be the City Council.

**APPLICANT:**

Observing that they both represent the Beaverton School District, **JACK ORCHARD** introduced himself and Mike Maloney, adding that the presentation would be brief, adding that based upon the Staff Report recommendations and the Facilities Review Committee Conditions of Approval, their presentation would basically involve two specific issues. He agreed that this proposal has generated a great deal of public comment, adding that not all of the issues that have been raised are applicable to this specific application. He pointed out that these issues that are not applicable have been identified by staff as addressing policy and matters that are subject to the regulatory authority of other agencies. Emphasizing that this is a limited land use proceeding, he concurred with staff's indication that this issue involves only design review issues. Pointing out that this particular use is allowed outright, he noted that both the Planning Commission and City Council had determined that this property would be maintained as an LI (Light Industrial) zoning district, adding that they had also determined that a rezone other than LI would be contrary to the Beaverton School District's intended use of the property. He explained that the Beaverton Planning Commission had specifically endorsed the notion that a separation of the transportation facilities into at least two locations, specifically this location and one on SW Allen Boulevard, would be in the best interests of both the Beaverton School District and the City of Beaverton. Referring to correspondence that had been submitted with regard to this proposal, as well as numerous discussions, he noted that some of the comments that have been made are both inaccurate and inappropriate. He mentioned the two issues that the applicant would like to address, specifically odor and fencing, adding that the Facilities Review Committee had referred the fencing issue to the Board for the purpose of addressing certain design components. Noting that some of the issues of concerns that had been mentioned are clearly within the purviews of other agencies, he explained that the air quality issues have been considered by DEQ and that transportation issues have been reviewed by ODOT and Washington County. He pointed out that the Beaverton School District concurs with the recommended Conditions of Approval of both staff and the Facilities Review Committee, with

the following exceptions: Condition No. A-5, with regard to odor monitoring and detection; and Condition No. A-3, with regard to fencing details.

Observing that the Beaverton School District is less concerned with the proposed condition with regard to the fencing details, Mr. Orchard emphasized that Condition No. A-5 is an issue. He explained that this condition basically indicates that the district is required to post two monitoring stations to assure compliance with odor standards, noting that the problem is that no odor standards exist. Noting that odor is a highly subjective issue, he expressed his appreciation of staff's attempt at interpretation and definition, adding that this involves a standard that is standard less. He expressed his opinion that because staff is unable to define this standard, the legality of this standard is suspicious.

Mr. Orchard pointed out that the Beaverton School District had provided an analysis of the odor issue, adding that the conclusion had been that odor is not an issue. Emphasizing that this is not the same as the air quality issues, he noted that a more quantifiable methodology than that suggested by the district has not been provided. Referring to the discussion within the Facilities Review Condition of Approval, he noted that staff's conclusion had been that the emissions will not be readily detectable, and neither will emissions of other odorous pollutants. He pointed out that this had been the only attempt at providing some analysis with regard to this issue. Concluding, he reiterated that the applicant concurs with all staff recommendations, with the exception of the issues with regard to odor and fencing.

**MIKE MALONEY** pointed out that while a great deal of interesting information would be submitted this evening and that most of it is true and important, some of this information is false. Observing that State statute requires the Beaverton School District to provide appropriate transportation to its students, he emphasized that the district is growing by more than a thousand students per year and that it is anticipated that this trend will continue. He explained that the district would like to make certain improvements at the facility on SW Allen Boulevard. Noting that the district has been working with Tualatin Valley Park and Recreation District (TVPRD) and Metro Greenspaces to continue the Fanno Creek Trail, he pointed out that unless the buses can be moved off of that site, this could not be achieved. He mentioned that a large group of stakeholders have been involved in the plan, adding that the district had not requested permission to purchase the site. He stated that two Neighborhood Meetings had been held, adding that this had been on the Board's Agenda for four successive months. Noting that the district had requested and listened to community input, he stated that they had also provided the best consultants available to review and address these concerns. Expressing his opinion that the application submitted complies with all applicable criteria, he pointed out that as a result of their efforts, a great many changes and improvements have been made to the application since they began. He also explained that the application clearly demonstrates that both the



application and the proposal does address all criteria and does not create any impacts beyond those that can be mitigated by the Conditions of Approval.

Referring to the Traffic Study, Mr. Maloney noted that all traffic in the approved adjacent developments (The Opus Development and the Dania Development) had been considered, adding that the consultants had provided worst case scenarios and demonstrated the ability to comply with all applicable standards. He noted that the applicant had also voluntarily proposed mitigating conditions, not required by the Development Code, adding that it is also in the best interest of the district to improve the traffic flows. He explained that as the result of these mitigations, which are included in the case files as conditions, the levels of service and volume capacity ratios would improve beyond what exists at this time. Referring to the issue of air quality, he noted that the consultant had performed a number of studies using Environmental Protection Agency (EPA) models, and determined, scientifically, that there would be no impact on the air quality. He emphasized that this fleet of buses is currently operating and already contributing to the air shed in this area. He pointed out that by creating this additional facility and splitting the fleet, it would be possible to reduce the number of bus miles traveled as well as the number of hours buses are operating to serve their routes because their trips would originate from a location more proximate to the area being served. He emphasized that for a number of reasons, the addition of this site improves, rather than deteriorates, the air quality. He noted that the proposed water quality standards exceed the minimum requirements, adding that the water quality treatment facilities are not the ones that have been described as having failed at Tri-Met's Burlough Garage. Referring to the landscaping and screening issue, he stated that the Project Engineer would describe this portion of the proposal, adding that the proposal is beneficial for the district and meets all of the same intentions staff intended to address in their proposed Condition of Approval.

Reiterating that there are no air quality, odor or traffic impacts that mitigation would not successfully address, Mr. Maloney noted that although this is not applicable to this specific application, the district intends to accelerate the replacement of buses with those that include the latest technology in emissions control, adding that DEQ has indicated that they would be providing a grant, in the amount of \$75,000, to retrofit existing buses. He pointed out that as recently as yesterday, in conjunction with DEQ, Tri-Met and BPAMaco, made significant progress in efforts towards bringing in the low sulfur fuel, which will be required in a few years, adding that all of this would contribute to significantly reducing the impact of any emissions. Emphasizing that the district would like to have the cleanest possible site and make the least possible contribution to the region's air pollution, he acknowledged that while diesel and automobile exhaust is harmful to the health, the approval of this proposal would actually reduce the emissions within this region.

**GARY ALFSON**, Civil Engineer for *Harper Houf Righellis, Inc.* and Project Manager for the applicant, referred to an aerial photograph of the site and provided an overall view of the project. Observing that *Clean Water Services* is requiring the applicant to enhance this wetland natural resource area, as well as the adjacent buffer zone. He expressed his opinion that the proposal provides adequate screening and buffering where it is necessary on the site. He provided some photographs of the site, observing that these illustrations are basically on-site looking across the creek and existing wetland buffer zone. Emphasizing that there is a great deal of buffer area between the site and the nearest residential property, he noted that one portion of the site includes a retaining wall and that the applicant is proposing a chain-link fence with vinyl slats on another portion of the site. He pointed out that on an average, two to three buses would be exiting the site on an hourly basis, expressing his opinion that a bus every 30 to 50 minutes should not create a problem.

Observing that the applicant's 20-minute presentation period is over, Chairman Straus requested that the applicant either wrap up their presentation or begin the question and answer period.

Mr. Orchard responded, noting that while more information is available with regard to the proposal, the applicant would be happy to address questions at this time.

On question, Mr. Alfson informed Mr. Nardoza that the distance from the main yard to the residential property lines is 630 feet.

Mr. Edberg requested further explanation of the storm water treatment and how the applicant proposes to achieve this.

Mr. Orchard explained that the storm water treatment is proposed to occur within five separate water quality swales, pointing out that the treatment occurs prior to the detention. He pointed out that three of these facilities are located within the four-acre parking lot, noting that the water would be distributed among these water quality swales. Noting that two detention ponds exist upon the site, he mentioned that the water would be metered out from that point at the pre-developed rate to make certain that the water will not exit the site any faster than prior to the development. He noted that while the Development Code does not provide for this, the proposal would also provide treatment for water from both the existing impervious area and the existing paved area.

Mr. Edberg referred to site circulation, specifically how the site is utilized and the various functions on the site.

Mr. Orchard pointed out that there would be two accesses off of the main access drive, off of NW Bethany Court and NW Twin Oaks Drive, noting that the

applicant is attempting to keep the majority of the vehicle circulation away from the existing neighborhood, which is 400 feet across the creek.

Observing that he had spent approximately ½ an hour on the site this morning, Chairman Straus expressed his concern with odors and noise, and specifically how the applicant expects these issues to be mitigated through the proposed design.

Mr. Orchard advised Chairman Straus that Michael Minor, who is a specialist with regard to air and noise quality, is available to provide a technical response to this question.

Chairman Straus noted that this information should be technical but fit for human consumption, emphasizing that it should not be necessary to have this information interpreted.

**MICHAEL MINOR**, of *Michael Minor and Associates*, representing the applicant in the area of noise and air quality, mentioned that some noise issues were identified by his company upon early review of the design plan, with respect to noise. He added that the concern had been with regard to how the bus flow had been originally proposed on the site. He pointed out that originally, the plan had been to bring the buses down closer to the residential area and turning them into the facility, noting that the rear end and exhaust would be facing the residential area. He mentioned that he had placed some noise monitoring terminals in the residential areas, adding that he had performed some noise measurements and calculations at the existing SW Allen Boulevard facility, at which point he had determined that the proposed development created some potential for impacts, specifically noise exceeding the DEQ noise standards at some of the residences located near the facility. He pointed out that based upon his recommendation, the applicant had revised the bus flow patterns, adding that these revisions would reduce the noise level significantly to be well above the DEQ noise standards. On question, he advised Chairman Straus that he is also involved in the issue with regard to odor at the site, noting that many years ago, the U.S. Department of Environmental Quality had developed what he referred to as an Air Quality Monitoring Program. Observing that this program is revised every year to a year and a half, he pointed out that these revisions are developed by adding in more information with regard to emissions from new buses and new trucks, including some of the reduced emission vehicles that are being developed. He briefly described how this information is compiled for modeling purposes and how the model determines emissions, noting that a number, in micrograms per cubic meters of a particular element can be projected with regard to the air quality at a certain distance from a site.

Mr. Minor pointed out that there are specific regulations with regard to how much can be emitted from the property line while still addressing applicable criteria. He noted that the initial concerns of his study had addressed the more readily

known dangerous elements, such as carbon monoxide and other cancer-causing elements, noting that these levels had been determined to be below the DEQ standards. He pointed out that several citizens had expressed concern with regard to small particle emissions, which he referred to as PM2.5, noting that while the anticipated level had been projected, no current acceptance standard is available at this time. He explained that some possible acceptance standards for this element do exist, and that his study takes the more stringent standard, which has yet to be certified. He added that the projected levels were determined to be within that standard. Referring to the odor analysis and specifically the odor threshold described, Mr. Minor emphasized that the odor issue is very complicated and mentioned that some analysis with regard to this issue has been done and that there are actually individuals who have "certified noses" to provide testing of these elements and pointed out that the tests had resulted in four different chemicals of diesel study that could be readily detected by smell. He also explained that there is no easy way for calculating three of the four chemicals for modeling purposes. However, he mentioned that the DEQ model, used as part of his study, calculates three of the four chemicals, nitrogen dioxide, and that calculated levels were found to be substantially below the levels that the average human can detect for locations surrounding the property site.

Chairman Straus requested clarification of any impact of prevailing weather conditions upon the detection of sound or odor at the school or adjacent residential areas.

Mr. Minor responded, noting that for noise, while this is difficult to determine, depending upon the frequency of the sound, a very strong wind could potentially increase noise level up to three or four decibels. He added that his noise study is conservative with a three decibel safety factor, and concluded that even with a strong wind, it is very unlikely that the DEQ standard would be exceeded.

Chairman Straus questioned whether the direction of the wind would have any effect upon the noise level and whether Mr. Minor is able to determine the likelihood of the wind blowing in the direction of the residences as opposed to other directions.

Mr. Minor responded to Chairman Straus' question, noting that because noise is basically air pressure movement, wind carrying the noise towards the residential area could accelerate the noise level, adding that he does not have the information on prevailing conditions in this area. He pointed out that because noise is very reflective, large structures serve as barriers to this noise, similar to the concrete barriers alongside of a highway, adding that the buildings would reflect any noise back into the site. He referred to the site plan, noting the distance to the nearest residential area and the shielding providing by the existing building.

Referring to air quality, Mr. Minor explained the tendency for the air to travel around or over barriers. He pointed out that air travels from a higher pressure to

a lower pressure, adding that with winds traveling in a certain direction and all of the buses operating at one time, there is a potential for some of that odor to be carried down into the neighborhood. He noted that the odor levels that had been projected, even from a distance of 200 to 300 feet, were undetectable. He concluded by stating that he has a very hard time believing there would be any significant odor problems.

Chairman Straus observed that no information had been provided with regard to the actual building and recognizing that this is not the predominant issue with regard to tonight's hearing, Chairman Straus requested clarification of how this structure would be modified from its current condition.

Mr. Orchard responded, noting that the industrial building would be very similar to its existing condition. He also pointed out that the exterior appearance would not change on this structure or the building that is to be utilized for washing the buses.

Ms. Shipley requested clarification of the procedure for fueling the buses.

Observing that some of the buses would be fueled off-site at a card-lot type of a station, Mr. Orchard pointed out that a truck would fuel the majority of the buses on-site. He mentioned that fueling is not permitted within the PGE easement, adding that this is an operational impact that would be absorbed by the district by not fueling the buses in this area, which is located along the east side of the bus storage lot.

Ms. Shipley questioned how fuel spills onto the pavement would be addressed.

Mr. Orchard informed Ms. Shipley that the fuel truck is equipped with booms and absorbents, adding that these are required of fuel dispensers in anticipation of any spill, regardless of size.

Ms. Shipley questioned whether hazardous materials would be stored on the site.

Mr. Orchard noted that hazardous materials, such as asbestos containing brake linings, would be stored in the parts room, adding that management plans for this type of material are imposed by Federal regulations upon all school facilities. He pointed out that other small amounts of chemicals, such as antifreeze, would be stored in drums in containment basins.

Chairman Straus requested clarification of what type of maintenance would occur inside the building.

Mr. Orchard advised Chairman Straus that routine bus maintenance would occur inside of the building, noting that this would be basically limited to lube, oil,

brakes, and engine and transmission repair and that no body and paint work or major overhauls would take place within the structure.

**PUBLIC TESTIMONY:**

Chairman Straus requested that any individual(s) wishing to speak in favor of this proposal come forward to testify at this time. Hearing no response, he noted that the initial presentation of public testimony would be provided by a specific group, reiterating that this testimony would be limited to five minutes per individual, adding that the group would receive the total amount due to all individuals connected to this group.

**BILL KABEISEMAN** pointed out that he is an attorney for the firm *Preston, Gates & Ellis* and represents the *Concerned Citizens of Beaverton*, adding that while his clients support the mission of the Beaverton School District, they are not certain that this proposal is the best method for serving the children of Beaverton. Observing that this group has concerns with a large amount of issues, he noted that a great deal of written documentation has been submitted to the record. He mentioned that he intends to provide information with regard to their concerns and suggestions, noting that he would first provide a brief overview of some legal issues, followed by a slide show that more clearly demonstrates these concerns, adding that an industrial toxicologist would be discussing some air pollution issues. He also referred to his own letter of testimony.

Mr. Kabeiseman mentioned that one of the primary concerns is with regard to staff's assumption that this proposal involves what is an allowed use in the LI zone, adding that this had been determined by combining transit storage and auto service major and minor within one building. He emphasized that his clients are not completely convinced that this is what is actually occurring, particularly with the assumption that this involves transit service. Observing that the Development Code does not actually define what transit involves, the City's Transportation System Plan only discusses transit in terms of Tri-Met, adding that this plan refers to Tri-Met as the only provider of transit within the City of Beaverton.

Chairman Straus reminded Mr. Kabeiseman that the use of the site is not the issue of this particular application.

Mr. Kabeiseman referred to Development Code Section 40.10.15.3.E, which indicates that development must protect the health and safety, in particular, it must not adversely affect the surrounding community and must not create hazardous conditions for persons or improvements on the site, emphasizing that this concerns not only the neighbors, but also the employees working on the site, where they could be exposed to hazardous conditions.

Referring to Development Code Section 20.15.80.2, Mr. Kabeiseman emphasized that this section prohibits emissions of odorous gases. Observing that there has

been discussion with regard to prevailing winds, he noted that while this is a significant concern, common sense dictates that exhaust fumes from a diesel bus travel further than ten feet.

Mr. Kabeiseman referred to Development Code Section 20.15.50.10.B.1, noting that this section involves the screening by a sight-obscuring fence and provides that all businesses, services, repair processing, storage or merchandise display shall be conducted wholly within an enclosed building unless screened by a sight-obscuring fence or wall. He emphasized this section references fences and walls, rather than buffer zones, adding that there is also no reference to an event occurring only once every 15 minutes as not being a big issue. He reiterated that if this use is occurring, a sight-obscuring fence is required, observing that his clients do not consider a chain-link fence to be sight obscuring.

Referring to Development Code Section 40.10.15.3.C.1.E., Mr. Kabeiseman noted that this section requires the City of Beaverton to ensure the continued maintenance and normal replacement of certain required elements, including facilities, landscaping and screening, etc.

Observing that the original five minutes had elapsed, Chairman Straus reminded Mr. Kabeiseman that his group is sharing time in five-minute increments, emphasizing that he is keeping track of these increments of time.

Mr. Kabeiseman suggested that the City of Beaverton include conditions that would require continued maintenance, including the irrigation of any screening and a maintenance bond. Expressing his agreement with the conclusion of the Planning Director, he noted that any change to a Condition of Approval would require the same type of process that originally provided that condition. Referring to the applicant's comment indicating that the City of Beaverton's condition with regard to odor is without standards, he pointed out that he has been involved with land use for a long time and he has not seen any issue with more of a standard than Condition A5. Observing that his client has concerns with the method for determining this standard, he emphasized that they are not certain that the applicant's method captures the best way to accurately measure where the odor occurs.

**HAL OIEN** noted that prior to the scheduled slide presentation, Neil Morton would discuss air quality and odor.

**NEIL MORTON** mentioned that he is a toxicologist for *Hart Crowser* and has been retained by the *Concerned Citizens of Beaverton* to review the diesel exhaust emissions issue. He noted that the primary concern involves the potential for the emissions to migrate off the site, creating an adverse health risk to children, and recommended additional evaluations for certain compounds, adding that these evaluations should be performed under different conditions, which specifically address wind direction, precipitation and the migration of exhaust off of the site.

He suggested a sampling of two hours during the morning period, on two or three locations on the site, noting that this would include the majority of the bus activity and a higher concentration of emissions. He further described what he referred to as area samples, noting that a standard would be established, with monitors installed along any fencing or other device along the perimeter of the facility. He mentioned that the equipment could also be attached to an individual obtaining measurements on-site exposure, adding that five or six of these monitors could be attached simultaneously. Noting that any results would have to be compared with some sort of standard, he explained that the community standards for this type of exposure are extremely limited. He provided his letter, dated March 14, 2002, concerning these issues.

Chairman Straus requested a brief explanation of how Mr. Morton's recommendation varies from the Facilities Review Conditions of Approval.

Mr. Morton mentioned that it is his understanding that the major difference basically involves the four compounds dealing with odor, specifically with regard to two locations, the south and the west, suggesting that a third location be included, specifically the east side, which is located close to the industrial building at the east end of the parking area. He noted that this would also include the polyaromatic hydrocarbons, which are parts of diesel exhaust, as well as the PM1.0, which is not included within the recommendation.

Chairman Straus requested clarification of whether this issue is connected to odor.

Mr. Morton stated that the PM1.0 is more of a health base concern, adding that while he is not certain of whether there is an odor threshold for that particular compound, there is a proposed OSHA industrial exposure limit.

Mr. Oien pointed out that PM1.0 is also a carrier of the PAH, which is the polyaromatic hydrocarbon, emphasizing that this is how they are transmitted.

Observing that two representatives of this group have utilized three five-minute increments, Chairman Straus noted that eight cards have been submitted, leaving five additional five-minute increments of time for this group.

**JOHN HOOSON**, representing the *Concerned Citizens of Beaverton* and the *Friends of Rock, Bronson and Willow Creek*, provided a brief overview of the site, which he described as a very unique and sensitive area. He presented slides, including a view of the site from the Five Oaks Ball Field, the upper portions of the site, and lower portions of the site near existing wetlands. He provided a view of the vehicle parking area, noting that it would extend into a sensitive riparian area; and a view of the existing parking lot, adding that the new parking lot would extend over into a wildlife security area that provides sanctuary for horned owls and coyotes, both of which would be disturbed by this development. He provided an illustration of NW 167<sup>th</sup> Place, looking toward the site, indicating



where the vehicles and buses would be parking. Pointing out the tennis courts located in this area, he observed that this facility would also be exposed to the diesel exhaust fumes. Referring to the rear of the Yamomoto building, which is the proposed maintenance building, he expressed concern with locating the garbage near the adjacent homes and neighborhood. Referring to the transmission corridor, he noted that this area includes both rubble and unidentified fill material. He provided an illustration of the new bridge that opens up Willow Creek to Five Oaks, observing that this has opened up a number of neighborhoods along the boardwalk onto the trail system associated with the Willow Creek Nature Park. Referring to the boardwalk, he expressed his opinion that this is one of the best resources in this area, emphasizing that this natural area is one of the most heavily utilized parks within the City of Beaverton.

Ms. Antonio requested clarification of the location of the bus site relative to the boardwalk.

Mr. Hooson illustrated the location of the boardwalk as it relates to the proposed development, emphasizing that he has lived near this significant resource for 24 years. He provided an illustration from the back of the Yamomoto building, including the edge of the riparian zone, as well as homes bordering on Willow Creek, adding that these homes range in price from \$400,000 to over \$700,000. Referring to the tributary stream between Five Oaks and the parking area, he noted that a lot of wildlife lives in this area. Providing an additional view from the boardwalk, he pointed out that six active beaver dams exist along Willow Creek.

At the request of Mr. Sparks, Mr. Oien agreed to provide a copy of the CD rom used in the presentation, which has been entered into the public record.

**JOANN EDEN**, representing the *Concerned Citizens of Beaverton*, referred to Ordinance No. 40.10.15.3.B.11, referring to information required by the applicant to show that the proposed development does not adversely affect the surrounding community. She pointed out that the Beaverton School District's official position is that the neighbors' claim about potential negative impact on residences and businesses is not part of the approval criteria and is therefore not applicable to the decision on the proposal. She referred to a letter from Gary Alfson, P.E. to City Staff Planner Scott Whyte, dated February 11, 2002, specifically Item No. 9 of page 4, observing that Section 10.10.4.B of the Development Code references the achievement of a balanced and efficient land use pattern, to protect and enhance real property values, to promote safe and uncongested traffic movement, and to avoid uses and development which might be detrimental to the stability and livability of the City of Beaverton. On behalf of the *Concerned Citizens of Beaverton*, she recommended that the Beaverton School District should be required to provide studies to prove that this project would protect and enhance real property values within that neighborhood. She observed that the district admits in the public record to willingly ignore this section, emphasizing that this

proposal and application should be denied if the Beaverton School District does not comply with this specific ordinance.

Chairman Straus advised Ms. Eden that these use-related issues are neither the subject of this application nor within the purview of the Board of Design Review.

Mr. Sparks referred to Section 40.10.15.3.B.11, observing that this section addresses the application submittal requirement, rather than the approval criteria. He also clarified that Section 10.10.4.B is located within the Purpose, Policy and Construction title under General Provisions and that this section is not part of the approval criteria for Design Review.

Observing that these sections are referenced within Chapter 40 issues, Mr. Oien pointed out that he would like to discuss design issues. Noting that the proposed development is not permitted to create hazardous conditions for persons, he emphasized that this is an issue with the design of the facility. He referred to a study that had been conducted on four separate sites in Harlem, based upon the aggregation of PM<sub>2.5</sub> with regard to the design of buildings and intersections. He also noted that four times the elemental carbon occur within bus barns, adding that they tend to concentrate the diesel exhaust pollution. Pointing out that the bus barn in Harlem serves 109 buses, he noted that this facility generates more PM<sub>2.5</sub> than the busiest intersection in Harlem that serves 2,467 buses on a daily basis. He emphasized that it is a design issue that concentrates the exhaust from these buses.

Referring to another study with regard to the exposure of children to the diesel exhaust generated by school buses, Mr. Oien noted that this study also discusses local air pollution associated with these bus barns. He discussed the Allen Boulevard site, pointing out that the prevailing wind passes over four buses before hitting the adjacent building owned by the *Poorman Douglas Corporation*. He pointed out that the HVAC system in this building is periodically shut down, adding that employees have had asthmatic attacks because the poor design of the Allen Boulevard site funnels the diesel exhaust fumes in their direction. He noted that these buses are designed for an east/west orientation, adding that there would be a concentration of greater than fifty buses in this area and that these exhaust fumes would be funneled primarily towards the *Oregon Gymnastics Academy* and the individuals utilizing that building. He pointed out that the Beaverton Air Pollution Model does not predict the local air pollution caused by the design at Allen Boulevard, emphasizing that everyone is aware of this pollution.

Mr. Oien observed that the proposal for this building would combine the diesel shop and administrative area, expressing his opinion that this is contrary to industry standards and would lead to what he referred to as “sick building syndrome”. He described the typical design for the newer maintenance bays, providing both a front and back door and exhaust scavenging units, noting that the

proposed bus barn would have the opposite situation, adding that these buses would be intentionally driven, under load, through this building and filling it with diesel particulate matter. Emphasizing that this involves a faulty design, he noted that this results from attempting to make this building serve a purpose it is not actually supposed to serve.

Mr. Oien discussed potential issues created by this design with regard to the health of the employees, emphasizing that diesel bus drivers experience approximately 31% to 40% more cancer associated with this exhaust, adding that the rate for diesel mechanics is even greater. He explained that the Environmental Protection Agency (EPA) classifies this DPM (diesel particulate matter) as a carcinogen, emphasizing that this does involve a design issue.

Referring to Development Code Section 20.15.80.2, which addresses odors, Mr. Oien noted that this is not referenced within Chapter 40, although DPM is classified within the same high risk compound group as dioxin and lead. He listed several recommendations determined by the *Concerned Citizens of Beaverton*, as follows: that the Beaverton School District should use ultra-low sulphur fuel on all school buses; and the Beaverton School District should retrofit all of their school buses with catalytic soot filters, and this process should be started with the \$75,000 grant obtained from DEQ due to the efforts and assistance of the *Concerned Citizens of Beaverton*; and the Beaverton School District should start attending DEQ-sponsored meetings with regard to diesel exhaust pollution and regional air quality as it affects the design of their buildings; and because the building design would serve to collect the exhaust, there should be no idling of buses in or near these buildings; and the design of this building should be upgraded to provide adequate protection from infiltration of diesel particulate matter; and this particular design review application should be denied due to poor design and lack of consideration for PM10, PM2.5 and PM1.0 hygiene; and the Tri-Met Merlo Park Transportation Service Center design should be considered the model for what is proposed for construction at this site. Referring to the catalytic soot filters recommended for installation on the buses, he pointed out that he had discovered that it is possible to obtain 70% state matching grants for this purpose, adding that this would serve to mitigate the design problem.

Observing that the no-fueling zone involves a situation that creates an extremely high risk for an event that has a very low probability of occurring, Mr. Oien expressed concern that the Beaverton School District cannot be trusted to enforce the no-fueling protocol beneath the PGE wires. He pointed out that this structure is designed in a way that does not allow 50 or 60 buses to be moved freely, adding that the design of the fueling trucks allows for spillage onto both the ground and the buses. He referred to *Tri-Met's* new design for their bus washing and fueling facility, expressing his opinion that this option should also be used by the Beaverton School District. He described the fueling procedure used by *Tri-Met*, noting that with the doors of the facility closed, both the noise and over spray are

contained within the building. Observing that the bus is fueled and then washed, he pointed out that any diesel oil from the bus is collected within a common drain, at which point the water is retreated and reused. He noted that the parking lot should be clearly painted to delineate the no-fueling zone, in addition to signs to clearly indicate where buses can and can not be fueled. He also suggested that mitigation should be established to address any violations of the no-fueling zone, adding that a violation should require the Beaverton School District to provide a bus washing and fueling facility similar to that of *Tri-Met*.

Referring to the issue of the sight-obscuring fence, which has been left up to the discretion of the Board of Design Review, Mr. Oien provided a definition of obscuring from *Webster's Dictionary*, as follows: Not readily seen, to conceal, hide, cover or keep from sight. He emphasized that it is extremely difficult to conceal a ten-foot bus behind a six-foot fence that has no slats, expressing his opinion that this also involves a design issue. He pointed out that the Beaverton School District has proposed a simple chain link fence with the buses visible for security purposes, expressing his opinion that this basically represents an economic issue. Referring to the wall at the Haggen Project, which includes a berm with a fence and sight-obscuring plantings on top, he noted that the *Concerned Citizens of Beaverton* would like this to be done at this site as well. He expressed his concern with the possibility that anti-freeze could be stored outdoors in drums within a poorly-designed facility, adding that the DEQ had informed him that the area in which the anti-freeze is stored should include a trap to contain any potential leak. He pointed out that the location of the seven proposed drums indicates that any leak would run off into the swale, noting that this also involves a design problem. Concluding, he urged the Board to consider requiring a design similar to the Haggen Project, with a sight-obscuring wall and large, mature plantings surrounding the entire property.

Chairman Straus advised those speaking on behalf of the *Concerned Citizens of Beaverton* that they are now within the final five-minute segment of time allotted to the eight designated speakers.

Mr. Oien reiterated that he would submit the CD rom for the public record, adding that he would like Cindy Heupel to have the opportunity to speak for the remaining five minutes, followed by his brief closing remarks.

**CINDY HEUPEL** mentioned that she resides in the Five Oaks area, adding that she is also a former school bus driver for both the Beaverton School District and West Linn Head Start. Noting that while she has concerns with the period of time from 5:00 a.m. to 10:00 p.m. Monday through Friday, observing that concerts, dance festivals and other activities that involve these buses occur throughout the weekends. She pointed out that she is also concerned with the fact that these buses would be entering and exiting through a fire lane, emphasizing that two of these 82-passenger buses would not be capable of passing in opposite directions within this fire lane without incurring some damage. She expressed her opinion

that this would create a backup on NW Bethany Lane, noting that from NW Bethany Lane to NW Evergreen, there are only two lanes, rather than four, with three major turn lanes to the left. She pointed out that diesel exhaust fumes do cause health problems, noting that she has recurring vascular headaches as a result of driving these buses. She mentioned that she has made numerous visits to the emergency room, during which she would be put to sleep for periods of 16 hours to stop the headaches. Noting that she has become sensitized to carbon monoxide fumes, she emphasized that she is concerned with causing the students of Five Oaks School to be subject to these headaches. She mentioned that exposure to even one school bus makes it necessary for her to receive a shot to relieve her headache, reiterating that she is also incapacitated for 16 hours. Concluding, she expressed concern that approval of the proposed bus barn would force her to sell or lease her home.

Observing that the Concerned Citizens of Beaverton have attempted to be positive and supportive in their approach to these issues, Mr. Oien pointed out that options have been suggested and that it is necessary to make a choice of whether or not to create a design that enhances the community and offers a safe environment for both the employees and the community. Concluding, he offered to respond to questions.

Chairman Straus explained that the impression he has received thus far from those testifying on behalf of the *Concerned Citizens of Beaverton* is that while the group is opposed to this facility at this location, they also understand that this is not the issue with this application for Design Review, and that the group is proposing a series of design features, beyond what is proposed by the applicant, that could hopefully mitigate some of the negative aspects of the proposal.

Mr. Oien expressed the opinion of the *Concerned Citizens of Beaverton*, observing that due to the scope of this project, which is not actually light industrial in nature, different options with regard to the design issues for the site should be considered. He urged the Board to make certain that applicable ordinances and laws are followed, emphasizing that there has been a continual downgrading of this design since it was first submitted in August 2001. He pointed out that the design issues, as they relate to the health and safety of both employees and the community, should have been a major consideration from the start. Noting that the group is opposed to the proposal, he emphasized that if the project is approved, it should be developed as provided within the Development Code.

Observing that she is not familiar with the Haggen project, Ms. Antonio requested a brief description of berm and wall screening referenced by Mr. Oien.

Advising Ms. Antonio that a sight-obscuring fence is basically necessary to screen a big yellow bus, Mr. Oien pointed out that it is necessary to get this fence up in the air. He noted that while a ten-foot high brick and masonry fence would serve

this purpose and address fire and safety issues, as well as matching the building, the *Concerned Citizens of Beaverton* are merely advocating an appropriate fence on top of a berm. Observing that this would provide the necessary elevation, he mentioned that some plantings should also be included.

Pointing out that the berm and fence would attain an approximate height of ten feet, Mr. Oien stated that with numerous exhaust pipes pointed at the property line, the diesel exhaust fumes should be elevated prior to reaching the sidewalk. Observing that the model predicts that there would be no discernable odor, he mentioned that when his father was a weatherman, before making a forecast, the last thing he did was to look out the window. He suggested that prior to developing this site as proposed, the Beaverton School District should take this opportunity to look out the window to see what is actually occurring on SW Allen Boulevard, emphasizing that they should investigate fully what is occurring within the building occupied by *Poorman Douglas*. Concluding, he submitted the CD-rom as an exhibit and referred to the associated document, emphasizing that while this particular model might be effective regionally, it is not working locally.

Chairman Straus informed Mr. Oien that he had reviewed the entire document, noting that individual public testimony beyond those individuals represented by the *Concerned Citizens of Beaverton* would now be accepted. Observing that approximately 20 cards have been submitted, he noted that at five minutes per person, this would involve approximately two hours, adding that this does not include the applicant's rebuttal and the Board's deliberation. He instructed individuals who intend to testify to be as brief and concise as possible, adding that if another individual had already addressed their concerns, they should simply point that out and defer to other individuals who would be providing new information.

**FRANK OREM**, representing the *Sierra Club for the Columbia Group*, mentioned that he oversees the conservation and environmental issues of the 11,000 members located from The Dalles down to the beach, as well as approximately 1,000 members within the Beaverton School District. Referring to a written communication he had submitted this evening, dated March 14, 2002, he briefly outlined several issues within this document. He referred to an epidemic of asthma, which is both caused and aggravated by the inevitable particulates associated with these buses, and that it could be mitigated by the installation of soot filters on the buses, at a cost of \$750,000. He pointed out that an acquaintance of his is required to take a prescription for asthma that costs \$700 per week, at an estimated lifetime cost of \$500,000, noting that several such prescriptions would cover the cost of these filters. He mentioned that his wife has contracted an environmentally caused form of leukemia, emphasizing that that these particulates could unnecessarily add to the problem. He suggested the possibility of reducing the size of the necessary facility, noting that it is feasible that Tri-Met could potentially serve some of the routes.

**WILL DENECKE**, representing *Opus Northwest*, observed that while he is not excited about the proposed facility, his concern is with potential traffic problems that could be created by this proposal and the lack of appropriate mitigation. Noting that *Opus Northwest* had spent approximately \$250,000 on mitigation with regard to Conditions of Approval imposed primarily by Washington County, he pointed out that he estimates that although their proposal would have an equivalent traffic impact to that of *Opus Northwest*, the Beaverton School District will spend only \$50,000 to \$100,000 for mitigation. Expressing his opinion that there is a lack of equity in terms of mitigation that is being offered, he emphasized the local traffic situation is serious, particularly on NW Cornell Road. Noting that the proposal would only exacerbate the existing traffic problems, he pointed out that with the current business climate, those buses traveling through those intersections without mitigation would only make it more difficult to lease out the spaces within their \$20 Million building. He provided copies of a letter prepared by Brent Ahrend of *Group Mackenzie*, dated March 14, 2002, providing an additional analysis of the Traffic Study that had been prepared by *DKS Associates*, emphasizing that additional flaws had been discovered and noted.

**BRENT AHREND**, of *Group Mackenzie*, briefly summarized the letter, provided some general comments with regard to the traffic analysis, observing that it had inappropriately accounted for the existing buses and trucks on the roadway system as well as the new bus impacts. He pointed out that this original analysis had not addressed trucks, adding that when this was brought to their attention, the school district had assumed that a bus is worth two passenger cars. He noted that this also did not take into account the fairly steep grades approaching the intersections, which causes the buses to travel much slower, adding that these buses are actually the equivalent of far more than two passenger cars. He mentioned that ODOT had requested that the school district provide some additional analysis, noting that they had considered only the p.m. peak hour operations at the intersections, and made some recommendations with regard to the signal timing and striping based only upon the p.m. peak hour operations. He emphasized that he has concerns with regard to the impact of those changes during the a.m. peak hour operations, adding that this additional analysis has not yet been provided to ODOT, and requested that a decision be postponed until all of the requested ODOT mitigation has been determined. He mentioned that the Staff Report indicates that the Beaverton School District shall make the improvements requested by ODOT unless they are not roughly proportional to the impacts, emphasizing that if the State determines that the improvements that would be necessary for the accommodation of the a.m. peak hour traffic are very costly, rather than denying the project, it would move forward without any of the necessary improvements. Referring to a Memorandum from *DKS Associates*, dated March 1, 2002, he pointed out that they are essentially requesting to double the traffic and the number of buses at the facility prior to any additional analysis. Concluding, he emphasized that the improvements should be made prior to creating additional traffic, rather than waiting until after the buses are added to the traffic to consider the impact, and offered to respond to questions.

Chairman Straus emphasized that the burden of proof to demonstrate that the proposal meets applicable criteria is ultimately the responsibility of the applicant, and suggested that it would be best to ask questions after the applicant has had the opportunity to rebut any public testimony.

Mr. Denecke provided a brief summary of the issues and suggestions with regard to the testimony provided by Mr. Ahrend and himself, as follows: to determine the extent of ODOT's requirements prior to approving this application; and to limit the number of buses allowed on the site to the number that has actually been included in the current analysis, without allowing the applicant to increase beyond their current Traffic Study and proposal.

Chairman Straus requested clarification of the number of buses actually proposed for the site, specifically as it relates to the number of buses figured into the study.

Mr. Ahrend informed Chairman Straus that it is his understanding that the applicant had based their estimate of the number of buses to be added to the road system upon statistics determined during three different peak hour periods, two in the morning and one in the afternoon. He pointed out that the applicant had estimated that 131 buses would be primarily returning to the site during that peak hour. He expressed his opinion that they should have reviewed the current situation at the existing facility on SW Allen Boulevard, noting that this could have provided some insight with regard to the proposal.

**LAURIE HORTON** was no longer in attendance to testify with regard to this application.

**RACHEL NETTLETON**, Secretary of the Five Oaks/Triple Creek NAC, emphasized that they have been very concerned with the livability of their neighborhood, particularly with regard to this proposal and the design of the bus washing facility.

**DAVID KAMIN**, Chairman of the Five Oaks/Triple Creek NAC, observed that this issue had been discussed at the last meeting of the NAC, pointing out that all members of the NAC present are on record as supporting a Resolution in opposition to the proposed bus barn, and submitted a copy of documentation providing information with regard to this vote. Noting that other members of the public had already addressed the majority of his concerns, he urged the Board to enforce the codes that have been established by the City of Beaverton.

**ALMA LAMKIN** was no longer in attendance to testify with regard to this application.

**BOB PROEBSTEL** pointed out that his property backs right up to the greenbelt and Stonegate and expressed his objections to the proposed bus barn. He proposed several potential design changes, which included to limit the number of



buses allowed to utilize the facility; grade and remove the earth, prior to creating a berm around the facility, similar to the existing berm at *Nike*, in addition to installing a fence with slats and evergreen shrubs on top of the berm; and to provide for ongoing noise monitoring. He also mentioned that a great deal of his concern is with potentially decreased home values, odor issues and pollution issues. Observing that he has a child with existing breathing problems, he noted that it would most likely become necessary to close his windows in an effort to avoid as much of this pollution as possible. He pointed out that “not readily detectible” means not smelling any odor when hot tubbing in the morning, adding that headlights are also an issue, particularly during the winter, when the foliage is gone. Observing that the applicant does not consider this an issue, he noted that he would be aware of the diesel exhaust fumes, emphasizing that this is an issue. Referring to the noise issue, he pointed out that had not appreciated the noise generated by Yamomato every morning when they were located on that site.

**PAT RUSSELL** mentioned that he is a former resident, submitted and read a letter, dated March 14, 2002, with attachments, and provided a history of his background with regard to land use as it relates to the City of Beaverton. He expressed his opinion that he still has a legal standing in this matter and described his opposition to the proposal.

Chairman Straus advised Mr. Russell that his comments must focus on design-related issues with regard to the application.

Mr. Russell responded that while he is discussing design-related issues with regard to this application, he would attempt to be more specific.

Chairman Straus reiterated that the Board is only able to address specific criteria in their deliberations.

Observing that his letter is part of the public record, Mr. Russell pointed out that the *Outline of Issues* provided within his eight-page document concludes with specifics with regard to this particular application. Expressing his opinion that the application fails to meet most of the applicable criteria, he noted that failure to meet even one of the criteria could be considered the basis for a denial.

Chairman Straus informed Mr. Russell that it would have been preferable for him to spend his five minutes focusing upon the specific applicable criteria that the Board is able to consider in their deliberations prior to making a decision.

Mr. Russell requested clarification of whether he is allowed to respond to Chairman Straus’ statement with regard to applicable criteria.

Chairman Straus advised Mr. Russell that a response to this statement is not necessary.

**BARBARA SEM** expressed her opinion that the Beaverton School District should have to meet a minimum of two of the specific Conditions of Approval recommended by staff during this hearing. She referred to the testimony provide by Michael Minor with regard to shielding provided by buildings and how the weather conditions affect both the odor and the noise, emphasizing that children would be out in that situation during the peak period of times when the bus traffic and pollution would be the greatest. Expressing her opinion that two buses per hour traveling on these roads is not realistic, she pointed out that an average is not actually the issue. She discussed the illumination that would be created by the headlights at 5:00 a.m. and the 30-foot light poles, requesting clarification of whether any regulations exist with regard to this lighting within neighborhoods.

**NANCY EBEL** indicated that she would like to donate her five minutes to Pat Russell.

Mr. Russell expressed his appreciation to Chairman Straus for being permitted to testify during Ms. Ebel's allotted time.

Chairman Straus advised Mr. Russell that he has not yet been recognized with regard to testifying during Ms. Ebel's allotted time.

Noting that Chairman Straus had established this procedure, Mr. Russell expressed his opinion that he should keep his word.

Chairman Straus informed Mr. Russell that he had established any procedure that allows any individual to donate time to another individual, clarifying that this procedure had been allowed for a group, such as a NAC, providing a presentation.

Mr. Russell informed Chairman Straus that he is a part of a group, specifically the NAC.

Chairman Straus questioned whether Mr. Russell is a representative of the NAC.

Mr. Russell indicated that he is a representative of the NAC.

Chairman Straus requested an acknowledgement from the NAC Chairman to verify that Mr. Russell is a member of the NAC and specifically with regard to which official capacity he is serving, noting that Mr. Russell is no longer a resident of Beaverton.

Observing that he was a member of the NAC when the application was filed, Mr. Russell expressed his opinion that his legal standing with regard to this proposal is still in effect.

Chairman Straus reiterated that Mr. Russell is not currently a resident of the City of Beaverton or the NAC.

Mr. Russell informed Chairman Straus that whether he is currently a resident of the City of Beaverton or the NAC is not relevant with regard to this specific application. Observing that the Board had accepted the testimony of the *Sierra Club* and other experts, he emphasized that he is also an expert.

Emphasizing that he is attempting to be reasonable, Chairman Straus noted that he would prefer to avoid turning this issue into a political circus, adding that he would like to defer to staff and the City Attorney with regard to this issue.

Mr. Russell stated that he has three additional comments that he intends to make with regard to this application, noting that these three comments are not included in his previous or written testimony.

Chairman Straus reiterated that he would like to hear from staff with regard to how this issue should be addressed.

Observing that it had been clearly indicated that the testimony of each individual would be limited to five minutes, City Attorney Mark Pilliod pointed out that Mr. Russell has testified for five minutes as well as submitting written material. Noting that everyone present has been provided with equal opportunity, with the exception of the initial group, which actually reduced their testimony in order to be in compliance with the time limitation, he emphasized that this rule has been maintained consistently. He advised Chairman Straus that allowing one individual additional time could potentially risk having other individuals expect the same consideration.

Chairman Straus stated that Nancy Ebel now has the opportunity to provide testimony, reiterating that she is not able to offer her time to another individual.

Ms. Ebel expressed her opinion that some of Mr. Russell's time had been spent responding to questions from the Board.

Chairman Straus advised Ms. Ebel that any questions asked of Mr. Russell had been asked beyond his five minutes of testimony, emphasizing that the Board also has copies of his written testimony to reference.

Observing that she has lived in the City of Beaverton behind the Five Oaks School for over 20 years, Ms. Ebel pointed out that her children had attended that school as well. Noting that much of this area had been forested area 20 years and that Highway 26 could not be heard from her home at that time, she mentioned that the traffic is now audible. She stated that she has also lived in both Chicago and New York City, adding that she is very aware of the noise made by four buses idling and is very concerned with what 120 to 200 buses would sound like. Emphasizing that this sound does carry through the trees, she mentioned that although she no longer has children at home, she is concerned with the safety and livability of the entire community. Expressing her opinion that the proposal does

not sound like a livable plan for the community, she noted that she anticipates that other businesses in the vicinity would have problems accessing their sites, forcing them to relocate, adding that the Highway 26 Corridor would create serious problems for the City of Beaverton. She mentioned that she expects property values to decrease, adding that individuals who work in the area would be forced to deal with the air quality entering their systems. She pointed out that the tennis courts and soccer fields would be seriously impacted by the air pollution caused by this development. She requested clarification of why the Beaverton School District is opposed to the monitoring that has been suggested, expressing her opinion that this is rather odd considering that the applicant has indicated that there would be no detectable pollution or odor. She pointed out that the necessary bus maintenance could actually be done by Tri-Met within their new facility, at a savings of approximately \$2 Million annually. She expressed concern with access for emergency vehicles, adding that the applicant does not appear to have considered these issues with regard to the citizens, specifically transportation and breathing. Observing that she understands it is necessary to locate these buses somewhere, she noted that there should be a restriction with regard to how many buses could be served by a particular site.

**DANIEL RYAN** was no longer in attendance to testify with regard to this application.

**KYLE RYAN** was no longer in attendance to testify with regard to this application.

Observing that he is not a public speaker, **BOB STEFFEN** pointed out that while he is hard of hearing and the noise would not affect him, he has asthma. He noted that he has ended up in the hospital receiving adrenalin because he was only three minutes from death due to exhaust fumes, adding that he can recall being forced to pull over from behind a diesel truck due to the pollution. Observing that he lives in Stonegate, he emphasized that he has saved his money his entire life in order to build a home in what he considers the most livable area in the City of Beaverton. Emphasizing that he would have to move because he is unable to live with this pollution, he pointed out that this pollution is not a joke. He explained that he has nearly died as a result of asthma attacks, noting that he relies upon cortisone, asthma pills and inhalers. Concluding, he reiterated that he loves his neighborhood and is seriously concerned with the livability of the people in the neighborhood.

At the request of Chairman Straus, Mr. Steffen added his address to the testimony card.

**TODD GRISWOLD**, introduced himself, observing that he is the owner of *Indoor Goals*, an indoor soccer/roller hockey arena. He pointed out that he is particularly concerned with life safety issues with regard to the fire lane, noting that what is referred to as a fire lane is actually a private drive. He noted that the

property on either side is able to utilize that private drive, adding that when OGA went in, people started parking within that private drive, making it impossible for vehicles to get through. Observing that this private drive somehow ended up being designated as a fire lane, he mentioned that Tualatin Valley Fire & Rescue (TVF&R) had been unable to provide him with information indicating how this had occurred. Noting that the lane is only 40 feet wide, he pointed out that his business day begins at 3:15 p.m., involving approximately 7,600 visits, both in and out, on a monthly basis. Pointing out that *Indoor Goals* generates approximately 20 to 25 emergency vehicle visits annually due to sports injuries, he requested clarification of why it is necessary for the Beaverton School District to utilize this private drive to provide access for their buses in and out of NW Bethany Court. Concluding, he offered to respond to any questions.

**AL CARDWELL** indicated the location of his home with regard to the location of the proposed development, observing that he would view all of the buses due to the elevation of his property. He expressed his concern with lights, noise and exhaust fumes, pointing out that the wind direction in the area is generally from the west, and sometimes from the northwest and the southwest, adding that this wind would serve to route the fumes towards the residences and businesses. Noting that the proposed parking lot is right next to the main football field, he pointed out that when there is no wind, the fumes would inevitably travel downhill towards the creek area and into the homes. Noting that he would like to take this opportunity to serve as the professional nose sniffer, he mentioned that as a police officer, he knows what stinks, adding that in his opinion, this whole plan stinks. He mentioned the vegetation between the development and most of the residences, noting that this vegetation does not exist between the development and his home.

**MICHELE KANGAS** was no longer in attendance to testify with regard to this application.

**JEFF GREGOR** observed that he would like to briefly address the actions and behavior of the school district, followed by comments with regard to areas in which they had failed to meet applicable approval criteria.

Chairman Straus advised Mr. Gregor that the behavior of the school district is not relevant to this particular application.

Mr. Gregor informed Chairman Straus that he would demonstrate how the school district's behavior is relevant with regard to this application, observing that when the district had originally presented their scheme to acquire this property, they had indicated that it would serve as the location for new school. He pointed out that the board had approved this acquisition based upon the need for a new school in the area, and further explained that when the district had eventually introduced the plan to utilize the site for bus storage and maintenance, they had indicated that the site would provide a much less significant facility serving a much smaller amount

of buses. He pointed out that by the time the public had become aware of the true intentions of the district, the train had left the station and there was no way to turn it back. He questioned what he referred to as inadequate procedures and methodology utilized by the district in preparation of their studies associated with the proposed development, and discussed his concerns with regard to noise, odor and pollution.

Chairman Straus asked Mr. Gregor if he could provide a copy of his prepared statement to be included in the public record.

Mr. Gregor informed Chairman Straus that he would e-mail a copy of his notes for the record and was advised that this would not be necessary.

**HEATHER OVERSON** mentioned that because her home is located closest to the boardwalk, she would have a view of the buses from November through April. Observing that she is accustomed to taking walks with her friends at 6:00 a.m. Monday through Friday, she pointed out that this is a noisy area due to the sounds from the freeway, Cornell Road and Walker Road. Emphasizing that this is a major issue for her family, she mentioned that four members of her immediate family have asthma, adding that while they have gone to the expense of purchasing an industrial air conditioner and she is willing to accept that it is expensive to keep her family safe, her seven-year-old son has had to be hospitalized frequently. Expressing her concern with the chemicals emitted into the air from the diesel exhaust fumes, she noted that because her son in particular is susceptible to everything, these fumes would definitely affect his asthma. She explained that the buses idling in the neighborhoods, rather than moving through traffic, would have a profound effect upon her son's health. Expressing her opposition to the proposed development, she urged the Board to deny the application.

**STEVEN PATSLAFF** was no longer in attendance to testify with regard to this application.

Observing that this concludes the public portion of the Public Hearing, Chairman Straus stated that following a break, the applicant would be provided an opportunity to present their rebuttal, adding that this includes a lengthy list of issues that need to be thoroughly addressed.

9:55 p.m. to 10:08 p.m. – break.

**APPLICANT REBUTTAL:**

Observing that while a great deal of the testimony received is important, Mr. Maloney pointed out that it did not address issues relevant to the applicable approval criteria, adding that he is not certain of how to proceed at this time.

Chairman Straus suggested that Mr. Maloney start by addressing the issues that he considers relevant, adding that the Board would request clarification of any issues not covered by the applicant.

Emphasizing that he is not discounting the fact that all of these issues, whether or not they are relevant to this specific application, are of importance to the community, Mr. Maloney pointed out that he considers transporting students to and from school to be public transportation, adding that more passengers are transported on the school district's buses on a daily basis than by Tri-Met. Referring to the concerns with regard to the traffic, he noted that each bus that transports students is in lieu of a considerably increased amount of vehicle trips that would otherwise occur.

Referring to the issue of odor, Mr. Maloney reiterated that there is no standard, adding that the Development Code neither describes nor clarifies this issue. He expressed his opinion that it has been demonstrated reasonably, technically and scientifically, that there would be no impact on the air quality or the odor, emphasizing that the applicant had utilized the most appropriate methodology available to them.

Mr. Maloney discussed the fencing issue, specifically with regard to a sight-obscuring fence and the proposed slats, noting that the district is comfortable with what he referred to as a common means of addressing the criteria.

Mr. Maloney mentioned concerns expressed with regard to potential health effects, noting that Mr. Morton had provided some potential suggestions with regard to what could be done to measure and monitor the air quality. Agreeing that Mr. Morton's suggestions are examples of what could be done, he pointed out that what is included within the application demonstrates what was done. Observing that all of the air quality and pollution issues are important to the community, he expressed his opinion that these issues have been adequately addressed. He reiterated that the majority of the trips described are already within the existing system, emphasizing that while additional buses would be added to the fleet over time, increasing the bus fleet by a significant amount is not under consideration at this time.

Referring to Mr. Hoosen's request to protect a potential wetland area, Mr. Maloney pointed out that this site development area is not included among the wetlands that have been identified on the site, emphasizing that this is not a design issue. He stated that he is not certain how it had been determined that the applicant had willfully ignored the Development Code.

Expressing his opinion that the Harlem studies referenced by Mr. Oien are interesting, Mr. Maloney emphasized that Harlem is not Beaverton and is not relevant in eastern Washington County.

Mr. Maloney agreed that there have been issues with regard to diesel exhaust fumes and the *Poorman Douglas* building, adding that since SW Allen Boulevard had been developed prior to *Poorman Douglas*, any design flaw would be out of order. He pointed out that while *Poorman Douglas* had experienced difficulties with regard to air quality, research into the issue had determined that the problem resulted from paper dust, rather than diesel exhaust, adding that equipment had been installed in the building to address this problem generated by their own operations. He noted that OSHA provides regulations with regard to the health and safety of employees, adding that the school district is also concerned with the welfare of its employees.

Mr. Maloney concurred with the statement that the district would not create a building such as this for a bus barn if they were starting from scratch, emphasizing that this does not indicate that the building could not be adapted to be suitable for this use.

Observing that the district would like to make some improvements at their SW Allen Boulevard site, Mr. Maloney pointed out that this site had been developed in 1967 under a Development Code that is significantly different from the existing Development Code. He noted that there have been violations and problems at the SW Allen Boulevard site, adding that the district is making every reasonable attempt to correct these problems, including moving some of the buses off of that site onto another site.

Referring to the drums of anti-freeze that would be stored at the site, Mr. Maloney reiterated that these drums would be stored within a containment basin. He mentioned that the signs outside of the fence at the SW Allen Boulevard site and the dead swale on the adjacent property are not relevant to the Beaverton School District. He emphasized that the district is willing to consider suggestions that had been made with regard to the fencing. He discussed concern with regard to the fire lane, observing that it is actually a private easement belonging to the Beaverton School District for the benefit of the surrounding properties. Observing that the road is 24 feet wide, he expressed his opinion that two of the full-size buses are able to easily pass one another on this road.

Emphasizing that all of the necessary reviews by ODOT, Washington County and the City of Beaverton have been completed, Mr. Maloney noted that necessary revisions have been made and that all issues have been appropriately addressed. He briefly discussed the situation at the SW Allen Boulevard site, pointing out that there are significant differences with regard to the a comparison of the designs of these facilities. He noted that the district intends to address the water quality issue described by Mr. Orem of the *Sierra Club*, noting that it has been demonstrated that the applicant is willing to go even beyond the established standard.



Mr. Maloney referred to concerns with regard to asthma, confessing that he spends \$265 monthly on asthma medication. Emphasizing that he is personally sensitive to that specific issue, he assured those present that if he believed that this proposed development would be harmful to the employees and local residents, he would not be supporting the application. He pointed out that while a great deal of testimony has been presented with regard to concerns with this issue, the applicant has provided adequate documentation that suggests that this would not create a health risk.

Referring to the testimony of Will Denecke of *Opus Northwest* and Brent Ahrend of *Group Mackenzie* with regard to traffic impact fees and related issues, Mr. Maloney stated that the Beaverton School District is treated the same as any other development with regard to this issue. He pointed out that while the NAC has expressed some concerns, the applicant has met with and mitigated their concerns appropriately. Observing that the NAC has requested that the Board enforce the Development Code, he mentioned that while they might have different opinions with regard to their interpretation of the Code, the applicant would also like the Board to enforce the Development Code with regard to this application.

Mr. Maloney noted that there had been a comment with regard to only two Conditions of Approval, emphasizing that there are actually dozens of Conditions of Approval associated with this particular application. He pointed out that the applicant has concerns with only two of these Conditions of Approval, adding that while they would simply prefer to revise one of these conditions, the other condition is a significant issue.

Mr. Maloney clarified that the statement with regard to two buses per hour indicated only that two buses per hour would be exiting the garage. He mentioned that the illumination of the site would meet City standards, adding that the City Fire Marshall has approved the use of the fire lane, noting that this does involve property belonging to the applicant.

Referring to concerns with regard to traffic and odor, Mr. Maloney stated that while the applicant is concerned with these very important issues, every reasonable effort has been made to address these issues appropriately, some of which involved significant changes that were made based upon comments received from the public. He noted that many of these efforts involved balancing a great many competing and often-conflicting criteria.

Mr. Orchard indicated that although he has nothing specific to add at this time, the applicant would be interested in hearing any remaining questions from the Board. He pointed out that multiple reviews have been conducted with regard to this particular application, emphasizing that air quality, environmental and traffic issues have all been reviewed. He noted that contrary to what some individuals have implied, the Facilities Review Committee and other agencies that participated in the review of this application did understand all of the issues and

did not ignore standards or cut corners. Agreeing that this application involves an emotional and controversial issue, he reiterated that this is a Design Review application and needs to be addressed in the proper context with consideration for the appropriate area of jurisdiction. He expressed his regret that the public feels that the Beaverton School District is so derelict in its responsibility towards children, residents and the community at large, that they would locate an unhealthy and environmentally inappropriate facility on this site. He emphasized that there has been an objective analysis of the proposal by staff and various other agencies, observing that this is the evidence that should be considered. Concluding, he offered to respond to questions.

Ms. Antonio referred to odor and pollution that is detectable at the property lines, requesting clarification of whether only pollution actually occurring at the site had been considered in this analysis, and specifically whether buses entering and exiting the site had been included.

Mr. Minor explained that 177 buses idling and running at a speed of 10 miles per hour on and off the site had been analyzed, emphasizing that this analysis was prepared with all 177 buses running concurrently. He pointed out that this is the only methodology actually approved by the DEQ for the CO Analysis, adding that the applicant had used the same method in their determination of odors.

Observing that she resides approximately a 15-minute walk from the SW Allen Boulevard site, Ms. Antonio pointed out that a half an hour she spent at the site this morning had convinced her that this area does have an odor. Acknowledging that this had been a totally subjective experiment, she questioned how far from the site this odor would travel, as well as how concentrated this odor would be both at the site and 600 feet away in the area of the residences.

Noting that the odor should not be detectable 100 feet from the site, Mr. Minor advised Ms. Antonio that the SW Allen Boulevard site, which includes a great deal of additional truck and vehicular traffic, is not a good comparison. Pointing out that the odor might be noticed at 30 feet, he emphasized that it dissipates very rapidly. Referring to a similar situation in Eugene, Oregon, he mentioned Lane Transit had located a facility directly across the street from a retirement facility, adding that in the seven or eight years that the retirement facility has been in operation, the residents have not only experienced no problems, they are appreciative of the fact that it is located near their home.

Ms. Antonio requested clarification of the reference to 2:00 a.m., and was advised that there had been a comment that had incorrectly referenced 2:00 a.m., rather than 2:00 p.m.

Mr. Maloney explained that while a bus returning from a field trip could potentially return late on certain occasions, there are restrictions with regard to hours of operations.

Chairman Straus mentioned that his son had been a member of the high school band, noting that some of their activities in locations such as Grants Pass would mean they would return at 2:00 a.m., emphasizing that this involves two or three buses, rather than an entire fleet of buses.

Mr. Maloney clarified that although drivers and other staff arrive prior to that time, the normal hours of operation for the buses are approximately 6:00 a.m. through no later than 10:00 a.m., adding that the majority of the bus traffic occurs between 6:30 a.m. and 4:30 p.m., prior to the evening peak hour. In response to her question, he assured Ms. Antonio that all of the buses would not be idling simultaneously at any time, emphasizing that only a few of these buses would ever be idling at any one time.

Referring to photographs of the existing building facing south across the creek, Mr. Alfson pointed out that while the rooflines are visible, there is basically a 200-foot buffer of mature trees, both coniferous and deciduous, including a great deal of shrubbery and foliage typical of a creek area.

On question, Mr. Maloney indicated that the walkway for the park is located down among the trees, observing that the property slopes off the back, with the walkway several feet below the elevation of the parking lot.

Chairman Straus pointed out that on the opposite side of the creek, the grade of the land travels back up, noting that the houses are located above the elevation of the parking lot on the north side of the site.

Mr. Maloney mentioned that the grade changes east to west as well, adding that the orientation varies from house to house.

Referring to the security requirements of the fence, Mr. Nardoza observed that this is not actually a relevant issue.

Mr. Maloney noted that while the applicant has proposed not to include slats within the chain link fence at the front of the property, they would not quibble with regard fencing and/or screening and are willing to compromise with regard to these issues.

Chairman Straus suggested that because this involves a natural area, a wooden fence might be more appropriate than a chain-link fence on the south edge of the site.

Mr. Maloney advised Chairman Straus that the applicant would not object to installing a wooden fence instead of a chain-link fence.

On question, Chairman Straus was advised that new landscaping is not proposed for along the south edge of the parking lot.

Ms. Shipley referred to the issue of the dead swale at the SW Allen Boulevard facility, expressing her concern with the potential for contaminants within the surface water flowing off of the pavement into the ditch and killing the grass. She pointed out that she would like reassurance that the proposed water quality facilities would address the runoff from the parking lots.

Mr. Maloney informed Ms. Shipley that he assumes that the picture with all of the dead grass had been taken in August or September, pointing out that the area is most likely greener and healthier at this time of year. He noted that he is not aware of any evidence that supports the assertion that the swale is brown due to the contaminants from the parking lot, adding that a portion of the runoff is captured in the catch basins and routed to the storm sewer.

Ms. Shipley referred to the water runoff at the proposed facility, questioning whether this is filtered prior to entering the water quality facilities.

Mr. Alfson explained that the water would travel through the standard catch basins, observing that these catch basins are equipped with a siphon that separates the water from the oil. He pointed out that these basins would handle up to a 25-year flood, adding that the applicant is required to provide information with regard to how a 100-year flood would be addressed.

Mr. Edberg questioned the feasibility of including a spill control device to address any fuel spills that might occur.

Mr. Orchard explained that because the applicant has a long ways to go with the drainage patterns, this suggestion might provide a more effective capturability of the fueling process.

Emphasizing that the risk of a spill of any consequence occurring during a mobile fueling operation is quite low, Mr. Maloney pointed out that this procedure is quite common with a number of contractors involved in this service.

Chairman Straus mentioned that he is attempting to understand how this type of fueling works, adding that he is concerned with numerous issues that are not quantifiable to reasonably address. He emphasized that this is an area that is not normally within the scope of the Board of Design Review, noting that it is difficult to base a decision upon what he referred to is a great deal of hypothetical information, both on the part of the applicant and those in opposition to the proposal.

Mr. Maloney explained that routes are determined on an annual basis by the Beaverton School District, adding that this is based upon where the students are located. Observing that although this changes to some extent, among the 250 buses, the aggregate impact of these changes are relatively minimal. At the request of Chairman Straus, he provided an explanation of the typical circulation

of the buses onto and off of the site. He pointed out that these bus trips would be distributed between the signalized intersections of NW 167<sup>th</sup> Avenue and NW Cornell Road, and NW Bethany Court and NW Cornell Road.

**SCOTT MANSUR**, representing *DKS Associates*, clarified that the intersection of NW 167<sup>th</sup> Avenue and NW Cornell Road would route the buses heading west.

Chairman Straus expressed concern with the idea of a string of buses flowing out of this lot between 7:00 a.m. and 9:00 a.m., pointing out that there are businesses in the area with employees arriving at job sites adjoining this site during that same time frame.

Mr. Mansur pointed out that 90% of the bus traffic would be exiting the site between 6:00 a.m. and 7:00 a.m., emphasizing that this is not the peak hour of operation for office or industrial uses, adding that these employees generally arrive between 7:00 a.m. and 9:00 a.m. He explained that ODOT staff had reviewed the most recent and revised Traffic Study, adding that in response to the *Opus Northwest* comments, ODOT had stated that the requested a.m. analysis should be included as a Condition of Approval, adding that they had approved of the idea of restriping NW Bethany Boulevard to four lanes.

Chairman Straus pointed out that any action taken by the Board would be subject to the requirements of ODOT.

Mr. Maloney referred to an earlier comment indicating that an applicant does not even know what ODOT would require of them, emphasizing that they would decide as a function of the design, based upon the actual traffic, whether they would require that lane to serve as a through/left or left only.

Ms. Shipley mentioned that her neighbors are concerned with two buses she notices idling on SW 160<sup>th</sup> Avenue every morning and requested clarification of the Beaverton School District's policy on buses idling within neighborhoods.

Mr. Maloney responded to Ms. Shipley, noting that the policy within the driver's handbook provides that a bus would not idle for more than two minutes without the driver being subject to corrective or disciplinary action.

Ms. Shipley requested clarification of any further action that can be taken in the event of odor and/or pollution readings beyond the acceptable level.

Emphasizing that the Beaverton School District is taking many steps in an effort to reduce the emissions of the fleet on an overall basis, Mr. Maloney observed that existing buses are being retrofitted with soot filters and that any new buses purchased include this equipment. He pointed out that the standard for this equipment is a 2007 standard, noting that the district is interested in taking every reasonable step available to reduce these levels. He explained that in the absence

of an established standard, the consultant had been concerned with creating some reasonable measurement, adding that the district would make every effort to reduce the emissions of the bus fleet.

Chairman Straus explained that in the absence of an established standard, the head of the Development Services Division is responsible for and has made a determination or interpretation with regard to this specific proposal, observing that it is appropriate for staff to follow through with this decision. He pointed out that any individual who disagrees with the outcome of this application has the option of appealing the decision to the City Council, emphasizing that the Board of Design Review is responsible for taking action on the design review aspects with regard to this application this evening.

Expressing his agreement with Chairman Straus, Mr. Maloney stated that the applicant recognizes the necessity of addressing all legitimate issues. Observing that every attempt had been made to address these issues, he suggested that if the Board approves this application with these specific Conditions of Approval, the requested monitoring would be provided.

Observing that he has one comment to make prior to the Board's deliberations, Mr. Pilliod referred to a matter raised during testimony indicating that this use should be categorized differently, specifically whether this should be considered a transit storage facility or as a conditional use for vehicle storage. He clarified that vehicle storage had been added as a conditional use in a text amendment to the Development Code in 1973 in order to facilitate the request by a towing and wrecking company for the storage of wrecked or disabled vehicles. Emphasizing that there is no reference to operable vehicles, he expressed his opinion that this explains why staff had determined that a conditional use is not required for this proposal, adding that the applicant has provided additional justification supporting this determination.

On question, Mr. Whyte indicated that he had no further comments at this time and offered to respond to additional questions.

The public portion of the Public Hearing was closed.

Chairman Straus expressed his appreciation to those who provided testimony, observing that prior to a motion for approval or denial, the Board will deliberate the issues with regard to this application.

Emphasizing that she is still very uncomfortable with the idea of detectable odors, Ms. Shipley requested clarification of whether a higher standard is available, expressing her opinion that it should not be necessary for the public to have to quibble about odors that a meter has determined do not exist. Referring to the criteria requiring "protection from hazardous conditions due to inadequate, substandard or ill-designed development". She emphasized that she would like to

be reassured that the design of this development is not inadequate, substandard or ill designed.

Observing that he would like to discuss screening, berms and fencing materials, Mr. Edberg expressed his opinion that for security purposes, visual screening on areas of the site that abut a roadway should be avoided, emphasizing that some visibility from the roadways is necessary, and pointed out that he would like to determine the best option for screening on the remainder of the site.

Ms. Antonio noted that she is in favor of the idea of a wooden fence in the area on the south side of the site, adding that her visit to the site over the weekend had convinced her that a slatted chain-link fence would be inappropriate in this beautiful natural area. She suggested that this wooden fence should be constructed of materials and in a manner that would be consistent with the existing boardwalk and railing.

Mr. Edberg agreed with Ms. Antonio with regard to the fencing, noting that the proposed chain-link slatted fence is the least attractive option available. He suggested that incorporating a berm into the site would serve to blend the site more appropriately with the surrounding area, adding that a rock, masonry or brick wall should also be considered.

Ms. Shipley suggested that if security makes it necessary to provide visibility from the street, other options besides a chain link fence should be considered, noting that vegetation could be planted to discourage people from attempting to get past the fence.

Ms. Shipley discussed the placement of trees along the western boundary, observing that this area appears more open than the area to the south, where the vegetation is more deciduous.

Mr. Edberg suggested that the Board stipulate numbers of certain species and allow the applicant to determine how these trees would be distributed.

Chairman Straus reiterated that some of this vegetation is provided for the specific purpose of screening, emphasizing that this requires a certain amount of precision with regard to a Condition of Approval. Expressing his opinion that the critical issues have been addressed, he suggested discussing the odor and air quality issues, adding that these issues are related, to a great extent. Observing that staff has provided the information with regard to the criteria that is applicable to this proposal, he emphasized that the Board is not in the position to alter this information. He requested clarification from staff with regard to whether any options beyond what has been provided by Facilities Review are available to address the odor and air quality issues.

Mr. Whyte explained that while staff has not provided any other options, a potential Condition of Approval to address the monitoring issue has been explicitly described.

Chairman Straus pointed out that staff has not addressed action to be taken in the event that the monitoring determines that the development is not in compliance with the established standards.

Observing that staff has not specifically identified an appropriate action to address noncompliance, Mr. Whyte explained that the applicant has provided several possibilities, including the soot filters for the vehicles.

Chairman Straus mentioned the possibility of the applicant actually installing the soot filters on the vehicles without meeting the requirements for compliance, requesting clarification of whether this would cause the City of Beaverton to shut the facility down.

Mr. Whyte suggested that this issue might be returned to the Board as an amendment to the design, adding that the relocation of the buses further from the property line or the installation of a wall might be considered. He pointed out that the applicant would most likely have an opportunity to provide some suggestions with regard to possible mitigation measures for compliance with the odor condition.

Chairman Straus emphasized that nothing within any of the documents identifies consequences to the applicant for failure to meet any of the applicable criteria, expressing that without consequences, there is no basis for enforcement.

Mr. Pilliod suggested that a specific Condition of Approval to address compliance, consequences and enforcement would be considered part of the decision, adding that it would be incumbent upon the applicant to demonstrate that this condition has been met, including establishing a monitoring station or whatever has been determined necessary by the Board. He pointed out that while it would be an extreme measure, the City of Beaverton technically has the authority to revoke a permit, adding that this action would be determined by the City Council.

Chairman Straus emphasized that the consequence of noncompliance should be identified somewhere within the record, observing that he is personally aware of numerous situations in which an applicant has not complied with Conditions of Approval, adding that there had been no sufficient action with regard to code enforcement on behalf of the City.

Mr. Pilliod reiterated that a number of options are available, adding that this is somewhat dependent upon the nature of a specific Condition of Approval. Observing that some types of conditions involve a relatively simple process, he



pointed out that this type of condition involving a series of studies or monitoring has to do with the thresholds approved by the Board.

Mr. Nardozza pointed out that although he is not comfortable with this development near a residential neighborhood, the location of this facility is not within jurisdiction of the Board of Design Review, adding that the Board's decision is limited to only the issues within the scope of the application.

Observing that she lives very near the SW Allen Boulevard facility, Ms. Antonio noted that although she has taken all of the issues into consideration, most of the objections are based upon issues that are beyond the jurisdiction of the Board of Design Review. Emphasizing that this application involves some very serious issue for everyone on the Board, she expressed her opinion that the proposed plantings and the wetland buffer that have been proposed would accomplish a great deal of screening.

Mr. Sparks recommended that based on the testimony that has been provided and conditions that have been discussed, a motion be made and approved, as specific as possible, including the necessary Conditions of Approval, as well as an additional instruction and that staff could create a Land Use Order for the Board to review and determine whether the document appropriately memorializes the collective intent of the Board and return on March 28, 2002, at which time it could be finalized. He suggested that the Board vote on a tentative action at this time, providing direction for staff to prepare this Land Use Order for review, approval and signature on March 28, 2002.

Mr. Pilliod added that this type of action as described by Mr. Sparks is typical at the City Council level, observing that direction is implicit at that level anyway and that staff would be directed to prepare a Land Use Order that is consistent with a tentative decision made at this time. He emphasized that the only matter that the Board would have to consider at the future meeting would be whether the document properly reflects their decision.

Mr. Edberg **MOVED** and Mr. Nardozza **SECONDED** a motion for the approval of BDR 2001-0198 – Beaverton School District Proposed Transportation and Support Center Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated March 7, 2002, including Conditions of Approval Nos. 1 through 18, with the following modifications and additions:

18. The applicant shall ~~apply vertical vinyl slats to all portions of the chain-link fence where shown on the approved site plan and shall plant Glossy Abelia in place of the Nandina Domestica (Moyer Red) shrub where shown~~ provide fencing or wall along all areas of the site boundary. Fencing abutting public roadways shall be chain-link. All other perimeter

shall be surrounded by a wall with a minimum height of eight feet. Wall shall be constructed of wood, decorative masonry, brick or a combination thereof.

19. The applicant shall provide additional plantings on the south and west site boundary. Landscaping materials shall consist of Red Cedar, Shore Pine and Douglas Fir, including ten of each species, with ball and burlapped height of seven to eight feet.
20. Staff is directed to develop a land use Order for the subject project, which shall be reviewed and signed by the Board of Design Review at the March 28, 2002 meeting.

The question was called and the motion **CARRIED** by the following roll call vote:

**AYES:** Antonio, Edberg, Nardozza and Straus.

**NAY:** Shipley

**ABSENT:** Beighley and Doukas.

#### **APPROVAL OF MINUTES:**

The minutes of February 14, 2001, as written, were submitted. Chairman Straus asked if there were any changes or corrections. Ms. Shipley requested an amendment to the bottom of page 22, as follows: "Observing that she has worked with Cynthia Nelson, the architect representing *LRS Architects* in the past ...". Ms. Antonio requested that the minutes be amended to reflect that Chairman Straus' name is Stewart, not Gordon. Ms. Antonio **MOVED** and Ms. Shipley **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously, with the exception of Mr. Edberg and Mr. Nardozza, who abstained from voting on this issue.

#### **MISCELLANEOUS BUSINESS:**

The meeting adjourned at 11:59 p.m.